

FILED

OCT 26 2015

SECRETARY, BOARD OF
OIL, GAS & MINING

**BEFORE THE BOARD OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH**

IN THE MATTER OF THE REQUEST FOR
AGENCY ACTION OF FIDELITY
EXPLORATION & PRODUCTION COMPANY
FOR AN ORDER ESTABLISHING A SPECIAL
DRILLING UNIT FOR THE CCU 7-1-26-20
HORIZONTAL WELL FOR THE PRODUCTION
OF OIL AND ASSOCIATED GAS AND
HYDROCARBONS FROM THE PARADOX
FORMATION COMPRISED OF LOTS 9 AND 10,
SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ AND SE $\frac{1}{4}$ SE $\frac{1}{4}$ OF
SECTION 6, AND NE $\frac{1}{4}$ NE $\frac{1}{4}$ OF SECTION 7,
TOWNSHIP 26 SOUTH, RANGE 20 EAST, SLM,
GRAND COUNTY, UTAH

**MOTION FOR LEAVE TO FILE
ADDITIONAL EXHIBIT "E-2"**

Docket No. 2015-027

Cause No. 166-06

COMES NOW, Fidelity Exploration & Production Company ("Fidelity"), acting by and through its attorneys, MacDonald & Miller Mineral Legal Services, PLLC, and pursuant to Utah Admin. Code Rule R641-105-300, and hereby respectfully requests the Board of Oil, Gas and Mining (the "Board") for leave to file an additional exhibit, Exhibit "E-2" attached hereto and by this reference incorporated herein, in this Cause. The attached Exhibit "E-2" is the cross section line reflected on current Exhibit "E. Said exhibit was inadvertently omitted from the remaining Exhibits filed on September 28, 2015, and said omission was just discovered through hearing preparation.

Exhibits filed later than 30 days before the scheduled hearing date may be allowed by the Board upon good cause shown (*see* Utah Admin. Code Rule R641-105-500). The hearing on this matter is scheduled for this Wednesday, October 28, 2015. At this time,

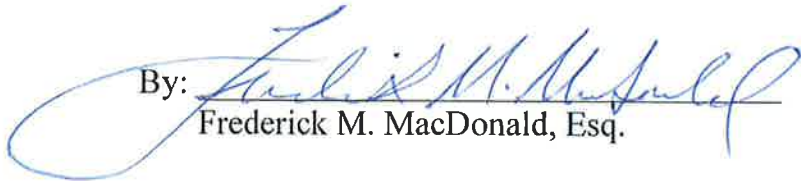
there are no adverse parties or any other parties that have made an appearance in this matter.

As a consequence, no undue prejudice should result from the granting of this Motion. For the reasons outlined above, Fidelity therefore respectfully requests this Motion for Leave be granted and the attached Exhibit "E-2" be accepted for filing and consideration at hearing. Presuming the Board concurs, a proposed Order Granting Leave is submitted herewith.

Respectfully submitted this 26th day of October, 2015.

**MACDONALD & MILLER MINERAL
LEGAL SERVICES, PLLC**

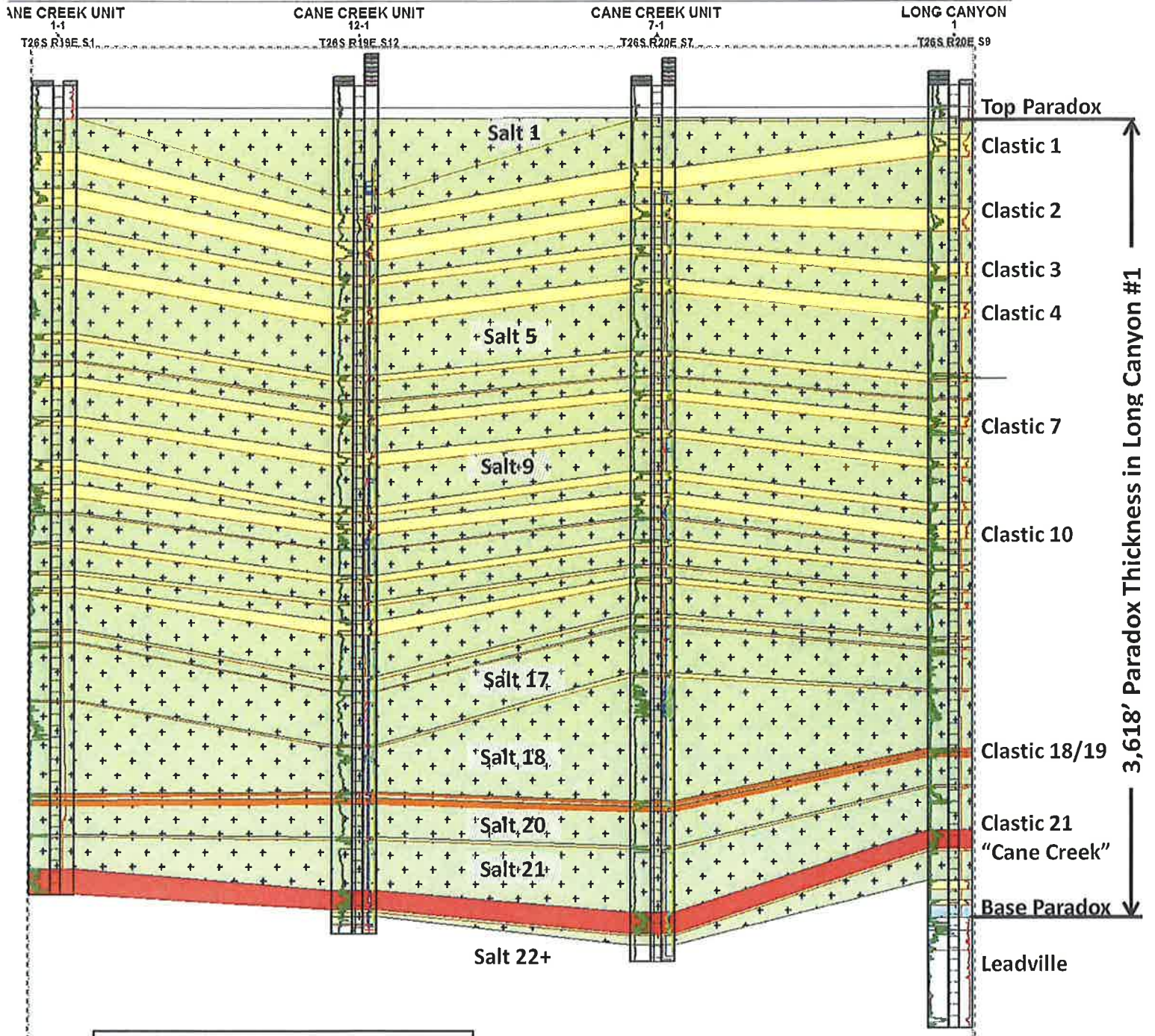
By:



Frederick M. MacDonald, Esq.

Attorneys for Petitioner Fidelity Exploration &
Production Company

Paradox Stratigraphic Cross Section



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FORMATION COMPRISED OF LOTS 9 AND 10,
SE¼NW¼, E½SW¼, W½SE¼ AND SE¼SE¼ OF
SECTION 6, AND NE¼NE¼ OF SECTION 7,
TOWNSHIP 26 SOUTH, RANGE 20 EAST, SLM,
GRAND COUNTY, UTAH

**ORDER GRANTING LEAVE TO
FILE ADDITIONAL EXHIBIT "E-2"**

Docket No. 2015-027

Cause No. 166-06

The Board of Oil, Gas and Mining, having fully considered Fidelity Exploration & Production Company's Motion for Leave to File Additional Exhibit "E-2" filed on October 26, 2015, and finding good cause therefor, hereby grants said Motion and authorizes the filing of Exhibit "E-2" attached to the Motion for consideration at hearing in this Cause.

For all purposes, the Chairman's signature on a faxed copy of this Order shall be deemed the equivalent of a signed original.

DATED this ____ day of October, 2015.

**STATE OF UTAH
BOARD OF OIL, GAS AND MINING**

By: _____
Ruland J. Gill, Jr., Chairman